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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/057,040

01/25/2002

Michael L. Myrick

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5497

7590

03/08/2006

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EXAMINER

SEDIGHIAN, REZA

ART UNIT

PAPER NUMBER

2633

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/057,040

Applicant(s)

MYRICK, MICHAEL L.

Examiner

M. R. Sedighian

Art Unit

2633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5, 7 and 8 is/are allowed.
- 6) ☒ Claim(s) 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

Art Unit: 2633

1. This communication is responsive to applicant's 12/12/05 remarks in the application of Michael L. Myrick for "Optical Computational System" filed 1/25/02. Claims 1-8 are now pending.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alguard (US Patent No: 5,642,189).

Regarding claim 6, Alguard teaches for a light source in an optical spectroscopy system (col. 8, lines 43-50 and 78, 80, fig. 1), a method of compensating for change in a light signal (col. 9, lines 32-34), comprising the steps of: applying a light signal (54, fig. 1) from the light source (24, fig. 1) to a measurement sample (12, fig. 1), wherein the entire wavelength range of the light signal is simultaneously applied to the measurement sample (col. 8, lines 10-20), defining a change in spectral shape over the wavelength range (col. 9, lines 35-38) and a change in input power to the light source (col. 9, line 40), and relating the change in the spectral shape to a modification in input power and modifying the input power in compensation for the change in spectral shape (col. 9, lines 38-43, col. 12, lines 50-56). Alguard differs from the claimed invention in that Alguard does not specifically define a relationship between a change in spectral shape over the wavelength range, and a change in input power to the light source. However, Alguard discloses a computer 30 that is used to control the input power to a lamp 24 (col. 9, lines

Art Unit: 2633

35-42), and accordingly, such computer could use a defined relationship between change in spectral shape and input power to lamp 24, to further provide an exact amount of change in input power that results a desired and exact spectral shape. The recited limitations of claim 6 interpreted broadly, and applicant's attention is directed that during the prosecution of a pending patent application the terms found in the claims should be given the broadest reasonable interpretation, *See in re Pearson*, 181 USPQ 641 (CCPA 1974).

4. Claims 1-5 and 7-8 are allowed over prior art of record.

5. Applicant's arguments filed 12/12/05 have been fully considered but they are not persuasive.

Remark states Alguard does not define a relationship between change in spectral shape over the wavelength range of the light signal applied to the measurement sample to a change in input power to the light source. Alguard discloses in accordance with one aspect of the invention, the computer 30 is used to control the intensity of flash from the flashlamp 24 and therefore the amount of UV radiation based on reading made on the standard fluorescent tile during the off-sheet standardization procedure (col. 9, lines 39-43). Alguard further discloses the amount of UV may be tuned to maintain a UV to visible light balance consistent with the standard source D65 wavelength distribution or any other desired illumination distribution (col. 9, lines 49-52). Applicant in the remark states that the system of Alguard measures the intensity of the UV and blue light and determines the ratio of these intensities, and controls the lamp voltage to maintain the ratio at a desired value. As the lamp(s) age, the wavelength distribution,


Art Unit: 2633

or spectral shape changes, and the measurement and the ratio determination of Alguard detects this change in spectral shape. Then, Alguard changes the lamp voltage, or input power. In another words, a change in spectral shape leads to a change in input power, which is a sequential relationship between the two changes. Alguard further discloses electrical circuits for controlling the power supply to vary the intensity of the light emitted by the light source to correct for deviation of the spectral distribution of the sample-illuminating beam (col. 12, lines 50-55).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. R. Sedighian whose telephone number is (571) 272-3034. The examiner can normally be reached on M-F (from 9 AM to 5 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


M. R. SEDIGHIAN
PRIMARY EXAMINER